

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2524

			Of the printed Bill
Page	<u>6</u>	Section	<u>1</u>
		Lines	<u>6-10</u>
			Of the Engrossed Bill

By deleting all of the underlined language.

And Page 7, Section 2, Line 19½ by inserting a new Section 2 [see attached] and by renumbering subsequent sections.

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Bob Cleveland

Adopted: _____

Reading Clerk

1 "SECTION 2. AMENDATORY 10 O.S. 2011, Section 406, as
2 amended by Section 9, Chapter 308, O.S.L. 2013 (10 O.S. Supp. 2017,
3 Section 406), is amended to read as follows:

4 Section 406. A. The Department of Human Services shall have
5 authority at any reasonable time to investigate and examine the
6 conditions of any child care facility in which a licensee or
7 applicant hereunder receives and maintains children, and shall have
8 authority at any time to require the facility to provide information
9 pertaining to children in its care.

10 B. 1. The State Department of Health may visit any licensee or
11 applicant at the request of the Department to advise on matters
12 affecting the health of children and to inspect the sanitation of
13 the buildings used for their care.

14 2. The State Fire Marshal may visit any licensee or applicant
15 at the request of the Department to advise on matters affecting the
16 safety of children and to inspect the condition of the buildings
17 used for their care.

18 C. 1. Upon receipt of a complaint against any child care
19 facility alleging a violation of the provisions of the Oklahoma
20 Child Care Facilities Licensing Act, or any licensing standard
21 promulgated by the Department, the Department shall conduct a full
22 investigation. If upon investigation, it is determined that there
23 are reasonable grounds to believe that a facility is in violation of
24

1 the Oklahoma Child Care Facilities Licensing Act or of any standard
2 or rule promulgated pursuant thereto, the Department shall:

- 3 a. document the complaint,
- 4 b. provide the complaint allegations in writing to the
5 facility involved and, upon written request by the
6 child care facility, provide a summary of the facts
7 used to evaluate the completed complaint, and
- 8 c. document the facility's plan for correcting any
9 substantiated violations.

10 2. If the Department determines there has been a violation and
11 the violation has a direct impact on the health, safety or well-
12 being of one or more of the children cared for by the facility, the
13 Department shall notify the facility and require correction of the
14 violation.

15 3. The Department shall notify the facility that failure to
16 correct the confirmed violation can result in the revocation of the
17 license, the denial of an application for a license, the issuance of
18 an emergency order or the filing of an injunction pursuant to the
19 provisions of Section 409 of this title.

20 4. If the facility refuses to correct a violation or fails to
21 complete the plan of correction, the Department may issue an
22 emergency order, revoke the license, or deny the application for a
23 license. Nothing in this section or Section 407 of this title shall
24 be construed as preventing the Department from denying an

1 application, revoking a license, or issuing an emergency order for a
2 single violation of this act, or the rules of the Department as
3 provided in Section 404 of this title.

4 D. Upon the completion of the investigation of a complaint
5 against any child care facility alleging a violation of the
6 provisions of the Oklahoma Child Care Facilities Licensing Act or
7 any licensing standard promulgated thereto by the Department, the
8 Department shall clearly designate its findings on the first page of
9 the report of the investigation. The findings shall state whether
10 the complaint was substantiated or unsubstantiated.

11 E. Information obtained by the Department or Oklahoma Child
12 Care Services concerning a report of a violation of a licensing
13 requirement, or from any licensee regarding children or their
14 parents or other relatives shall be deemed confidential and
15 privileged communications, shall be properly safeguarded, and shall
16 not be accessible to anyone except as herein provided, unless upon
17 order of a court of competent jurisdiction. Provided, however, this
18 provision shall not prohibit the Department from providing a summary
19 of allegations and findings of an investigation involving a child
20 care facility that does not disclose identities but that permits
21 parents to evaluate the facility.

22 F. The Department shall promulgate rules to establish and
23 maintain a grievance process that shall include an anonymous
24 complaint system for reporting and investigating complaints or

1 grievances about employees of the Department who retaliate against a
2 child care facility or facility employee."

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